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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,582	10/17/2001	Frank Saier	01-656	7214

7590 07/23/2004

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EXAMINER

SUBRAMANIAN, NARAYANSWAMY

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/981,582

Applicant(s)

SAIER, FRANK

Examiner

Narayanswamy Subramanian

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1, 4-7 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to the request for continued examination filed on May 7, 2004. Amendments to claims 4-7 made by the Applicant in his request have been entered. Claims 1 and 4-7 are pending in the application. The claims are subject to restriction requirement as discussed below.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claim 1, drawn to a method for reprocessing chargeable accumulators or battery packs, said method comprising: providing a plurality of service station business partners, said partners being able to offer the services of reprocessing chargeable accumulators or battery packs including the services of checking, replacing, tuning, providing individual special kinds and charging accumulators in a store or in the framework of an independent service by using a special service-station; providing a central service office for supplying said plurality of service station business partners with the equipment, wherein said central service office controls the service process of said service station business partners; providing a product database comprising data selected from the group consisting of battery power devices, producers, technical data, kinds of accumulators or battery packs or single cells, technical data, and prices, wherein said product data base is supplied with the respective data by the central service office and said data at least in part being received from the service station business partners; and providing access to said service station business partners to said product database; wherein said central service office controls the manufacture of the service stations required for new service station business partners and delivery of accumulators and batteries on demand of the service station business partners;

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providing a financial office for financing service stations, being purchased by the service station business partner at the central service office; said financial office receiving the necessary data concerning the service station business partner from the central service office; and controlling the processing of service stations that are given back to said financial office by service station business partners, classified in class 705, subclass 37.

II. Claims 4-7, drawn to a method for reprocessing chargeable accumulators or battery packs, said method comprising: providing a plurality of service station business partners, said partners being capable of offering the services of reprocessing chargeable accumulators and battery packs selected from the group consisting of checking, replacing, tuning, and providing individual charging accumulators in a store or in the framework of an independent service by using a special service station; providing a central service office for supplying said service station business partner with the necessary equipment, wherein said central service office controls the service process of said service station business partners; providing a product database comprising the data selected from the group consisting of battery power devices, producer, technical data, kinds of accumulators or battery packs or single cells, technical data, and prices, wherein said product data base is supplied with the respective data by the central service office and said data at least in part being received from the service station business partners; and providing access of said service station business partners to said product database; providing at least one producer of welding stations; providing at least one supplier for accumulators or batteries; wherein said central service office arranges the delivery of a welding station either directly by the producer of the welding station or via the central station, and wherein said central service office

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arranges on demand of the service station business partners the delivery of the required parts which are necessary for the service station business partners to perform said services, classified in class 705, subclass 37.

The inventions are distinct, each from the other because of the following reasons:

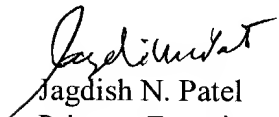
3. Inventions I and II are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, even though both the inventions are drawn to a method for reprocessing chargeable accumulators or battery packs they are different in scope, utility and methodology. The limitations of "providing at least one producer of welding stations;

providing at least one supplier for accumulators or batteries; wherein said central service office arranges the delivery of a welding station either directly by the producer of the welding station or via the central station, and wherein said central service office arranges on demand of the service station business partners the delivery of the required parts which are necessary for the service station business partners to perform said services" are present in the invention II but not in invention I. Similarly the limitation of "wherein said central service office controls the manufacture of the service stations required for new service station business partners and delivery of accumulators and batteries on demand of the service station business partners" is present in the invention I but not in invention II. Because these inventions are distinct for the reasons given above and the search required for Invention I is different from that required for Invention II, restriction for examination purposes as indicated is proper even though they are classified in the same class and sub class.

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4. A telephone call was made to Mr. Jeffrey R. Ambroziak on July 9, 2004 to request an oral election to the above restriction requirement, but was unsuccessful.
5. Applicant is advised that reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (703) 305-4878. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (703) 308-1065. The fax number for Formal or Official faxes and Draft or Informal faxes to The Patent Office is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

N. Subramanian
July 12, 2004


Jagdish N. Patel
Primary Examiner

7/20/04